

### REMARKS

Applicants have carefully reviewed this Application in light of the Final Office Action mailed November 28, 2008. Claims 17-37 are pending in this Application and Claims 17-37 stand rejected under 35 U.S.C. § 103(a). Applicants respectfully request reconsideration and favorable action in this case.

#### **Rejections under 35 U.S.C. § 103**

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

Claims 17-19 and 24-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,978,316 issued to Aamir Ghaffar *et al.* ("*Ghaffar*") in view of U.S. Patent Application Publication No. 2002/0032771 by Trond Gledje ("*Gledje*").

Claims 20-23 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ghaffar* and *Gledje* in view of U.S. Patent Application Publication No. 2004/0204073 by John Anthony Yanosy ("*Yanosy*").

Applicants respectfully traverse and submit that the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

The cited references fail to teach or suggest all the elements of the pending claims. For example, Claim 17 recites, in part:

providing a resulting profile information object which specifies process capabilities of said terminal and said connection component;  
inserting, in the resulting profile information, a first item of profile information which specifies which type of the user data objects may be directly processed by the terminal

*Ghaffar* fails to teach or suggest the above recited elements and other elements as conceded by the Examiner. *See* Final Office Action, Page 3. *Ghaffar* discloses that a profile “is received by the message server 200, which passes the profile to the message processor 210 (step 300). In turn, the message processor 210 (step 310) stores the profile in the database 220” (Column 5, Lines 30-33; *see also* FIG. 3 steps 300 and 310; emphasis added). Storing the profile in the database can not be construed as *inserting in the resulting profile information, a first item of profile information*, as recited in Claim 17. Here, the Examiner has failed to establish a *prima facie* case of obviousness in showing a first item being inserted to the received profile or even the stored profile of *Ghaffar*.

*Gledje* and *Yanosy*, either individually or as combined by the Examiner, also fail to teach all the elements of Independent Claim 17. For example, neither *Gledje* and/or *Yanosy* teach or suggest switching facilities configured to inserting, in the resulting profile information, a first item of profile information which specifies which type of the user data objects may be directly processed by the terminal.

As another example, *Ghaffar*, *Gledje* and *Yanosy*, either individually or as combined by the Examiner, fail to teach or suggest all the elements of Independent Claims 33 and 34. Independent Claim 33 recites, in part:

wherein a resulting profile information object specifies process capabilities of said terminal and said connection component;  
wherein a first item of profile information is inserted in the resulting profile information which specifies which type of user data objects may be processed directly by the terminal. (emphasis added).

Independent Claim 34 recites, in part:

providing a resulting profile information object which specifies which type of the user data objects may be transmitted to the terminal, wherein the specified types in the resulting profile are either directly processed by the terminal or pre-processed by the connection component;  
inserting, in the resulting profile information, a first item of profile information which specifies which type of the user data objects may be directly processed by the terminal. (emphasis added).

For analogous reasons to those discussed above with respect to the rejection of Claim 17, *Ghaffar*, *Gledje* and/or *Yanosy* fail to teach or suggest all the elements of Independent Claims 33 and 34. Applicants respectfully submit that Independent Claims 17, 33, and 34 and all claims that depend therefrom are patentably distinct over the cited references and request the withdrawal of the § 103 rejections.

As another example, the cited references, either individually or as combined by the Examiner, also fail to teach or suggest all the elements of dependent Claim 18 which recites, in part:

the method further comprising inserting a second item of profile information into the resulting profile information object which specifies which type of the user data objects may be converted by the connection component into the type of user data objects which may be processed by the terminal.

Referring to Column 5, Line 51 through Col. 6, Line 2, as relied upon by the Examiner, *Ghaffar* discloses that the transcoder 230 “remove[s] information that cannot be processed effectively by the mobile terminal 100 (step 370), thereby providing a filtered baseline representation that lies within the messaging capability of the mobile terminal 100.” (Column 5, Line 52-55). Here, instead of inserting a second item of profile information into the resulting profile information object which specifies which type of the user data objects may be converted by the connection component into the type of user data objects which may

be processed by the terminal, as recited in Claim 18, *Ghaffer* discloses **removing** information such that mobile terminal 100 can be able to read the message.

In addition, *Gledje* and/or *Yanosy*, as noted above, each fails to teach or suggest inserting, in the resulting profile information, an item of profile information which specifies which type of the user data objects may be directly processed by the terminal.

For at least these reasons, the cited references, separately or as combined by the Examiner fails to teach or suggest inserting any items (*e.g.*, first and/or second item) of profile information into the resulting profile information. Accordingly, Applicants respectfully submit that, in addition to being allowable based on its dependence from Claim 17 (shown to be allowable above), Claim 18 is also patentably distinct over the cited reference(s) and request the withdrawal of the § 103 rejection.

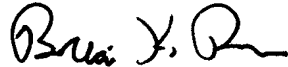
**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2684.

Respectfully submitted,  
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